



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2308690
Applicant Name: Keith Walsh for Scott & Krissy Mayer
Address of Proposal: 1012 West Fulton Street

SUMMARY OF PROPOSED ACTIONS

Master Use Permit for construction of 2nd story addition to an existing single family home.

The following approval is required:

Variance – to allow an expansion of a nonconforming structure.
SMC Section [23.42.112](#)

Variance – to allow a portion of principal structure to extend into the required front yard.
SMC Section [23.44.014 A](#)

SEPA DETERMINATIONS: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The property is located on the west side of Queen Anne Hill, on the north side of West Fulton Street, midblock between 11th Ave W and 10th Pl W. The surrounding neighborhood is comprised primarily of single-family residences. West Fulton is a narrow residential street at the site. Uphill to the east West Fulton St. becomes a boulevard, administered by Seattle Parks Department. Further east is Mount Pleasant Cemetery. To the west, a shift in the platting pattern causes W. Fulton Street to terminate in a T-intersection with 11th Ave W.

The site measures 43' wide by 60' deep, or 2580 sq. ft., and is currently developed with a single family home with an attached garage, measuring about 1500 sq. ft. on two levels. The property is zoned Single Family residential with a minimum lot area of 5000 sq. ft. (SF 5000). All surrounding properties are similarly zoned.

W. Fulton St. is a paved residential street with curbs and sidewalks. A paved, 10'-wide alley abuts the property on the east.

The site slopes relatively steeply from east to west. City of Seattle Geographic Information System (GIS) data indicates a portion of the property is located in an identified Environmentally Critical Area (steep slope), but topographic information appears to show no steep slopes on site. Due to the limited scope of the project, this application is exempt from ECA requirements per SMC [25.09.040 C](#).

Proposal

The project involves the construction of a second-story addition to the existing home, 881 sq. ft., as well as an expansion of the existing basement stairwell to access all levels. A portion of the proposed second-story addition extends into the required front yard, flush with the existing front wall. The addition would be 12' from the front lot line, not including bay and eave projections.

Seattle's Land Use Code allows some flexibility with regard to yards. The standard front yard requirement is 20' measured from the front property line, but this may be reduced in some instances by averaging against the existing front yards of neighboring structures. In this instance, both structures



Figure 1. Local topography



Figure 2. Aerial View

immediately to the east and west are located on corners, which raise the question of which orientation is most conforming to [23.44.014](#). The home to the west is most conforming if its south line is considered front, along W. Fulton St, while the home to the east across the alley is most conforming fronting 10th Pl W. The neighboring property to the east is therefore not available for purposes of front yard averaging. Applying the measurement technique in SMC [23.86.010 B](#) to information presented on plans, the front yard requirement applied to the subject property is 15'-11".

Certain additions may extend into required front yards, per SMC [23.44.014 D3c](#). This provision allows for extensions of certain existing nonconforming walls, except that the addition may be no closer than 15' to the front lot line. The principal front façade of the proposed addition would be 3' forward of the building envelope otherwise allowed by Code. Bays and eaves would extend an additional 18", for a total of 4'-6" forward of the 15 feet allowed by Code.

Public Comment

DPD published public notice of the proposed development on March 4, 2004, and the associated public comment period ended on March 18. DPD received one letter from the public, apparently in favor of the project.

ANALYSIS - VARIANCE

Variances may be authorized only when all of the variance criteria set forth at SMC Section [23.40.020](#) and quoted below are met.

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;**

The site is small, 2580 sq.ft. or roughly half the standard minimum lot size of the zone. The applicant notes that this site is the smallest parcel on its block. Tax records indicate the existing home was built in 1940. The current owners bought the property in 2000 and were not involved in the creation of the substandard lot size or the existing nonconformities.

The “unusual conditions” relate to the site’s constrained buildable area and the structure’s existing footprint located in the required front yard. Strictly applied, yard requirements on this site would result in a buildable area of 1254 sq. ft.¹, substantially smaller than the 2400 sq.ft. buildable area afforded a standard 50' x 100' lot. A portion of the existing footprint is located outside of the lot’s buildable area. In the zone and vicinity, it is not uncommon for single family homes to extend into their required front yards, and the applicant has shown several such instances adjacent to and across from the subject site.

¹ Front, 15' per SMC [23.44.014 D3](#), rear: 12', E side: 5', W side: 0', per SMC [23.44.014 C](#). $(60-15-12)*(43-5-0) = 1254$.

The proposed bedroom addition falls within the rights and privileges commonly enjoyed by neighboring property owners and does not conflict with other zoning standards such as lot coverage and structure dimensions. If the owners were to propose the additions elsewhere on the property, it would require an extension of the foundation and a reorganization of the interior space of the home, thus effectively depriving the owners of a common right or privilege.

2. **The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;**

The scale of the proposed addition is reasonable, and is generally in line with the existing nonconforming front wall. Bays and eaves would extend an additional 18", projections that are typical for a principal structure located entirely within its buildable area. As such the proposal constitutes a reasonable minimum relief.

This requested variance does not constitute a grant of special privilege, considering that several other properties in the area appear to extend into required yards, as documented by the applicant.

3. **The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;**

The proposed variances would not be materially detrimental. The proposed addition would constitute a visible building mass where current Code would require the structure to step back from the street. However, considering the prevailing pattern of shallow front yards on the north and south of West Fulton Street along this block, a second story addition and associated projections would likely reinforce the existing streetscape rather than detract. There is no evidence that the nonconforming 3' plus 18" of the proposed addition would block views or would otherwise be injurious to nearby properties, particularly given the vicinity's sloping topography. The proposed addition is also consistent in style and appearance with the existing home. DPD received no comment letters raising concerns of potential injurious effects.

4. **The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;**

The literal interpretation and strict application of the front yard requirement would cause practical difficulties for the property owners. According to the applicant, strict application of the standard would "dramatically decrease the allowable building area for the second floor addition ... to 543 sq. ft. of interior floor space." The applicant further notes that "the proposed second

story addition's new wall construction would be built over the existing exterior walls below, providing for optimal support." Strict application would mean "the second story addition would have to be structurally redesigned to span across the 24' building width."

The owners seek to expand their interior living space within the constraints and opportunities presented by the configuration of the existing structure. A comparable massing located in a conforming location on the site is architecturally impractical and would disrupt the relationship and use of existing rooms.

5. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

The spirit and purpose of the Land Use Code recognizes flexibility as one of the important goals to allow the residents in single family zones full use and enjoyment of their homes. The requested relief is consistent with this goal and does not deviate from the intent to preserve the streetscape character of the residential area, nor deviate from the intent to preserve the pattern of open spaces providing natural light, air and ventilation between single family structures in the neighborhood. Granting the requested variance to allow a portion of the principal structure to extend upward in the required yard is consistent with the Land Use Code.

DECISION – VARIANCES

DPD **APPROVES** the requested variance regarding expansion of a nonconforming structure.

DPD **APPROVES** the requested variance to allow a portion of principal structure to extend into the required front yard.

CONDITIONS – VARIANCES

None.

Signature: _____ (signature on file) Date: June 10, 2004
Scott A. Ringgold, Land Use Planner
Department of Planning and Development

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